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EXAMINER

SHELEHEDA, JAMES R

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/470,100

Applicant(s)

MINIKAWA ET AL.

Examiner

James Sheleheda

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/

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,12-15 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,12-15 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 21 is objected to because of the following informalities:

In claim 21, line 5, "the electronic system guide" should be changed to --an electronic system guide-- as there is no previous recitation of a system guide within the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-8 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broberg (6,529,680) (of record) in view of Stinebruner (6,133,910) (of record).

As to claim 5, Broberg discloses a system (Fig. 1) for providing a default source to at least one channel number usable by a plurality of sources providing a station to transmit television programs, comprising:

a **processor** (Fig. 1, 34) configured to generate an electronic system guide (on-screen menu, column 5, lines 44-45) identifying the plurality of sources (column 5, lines 41-46 and 61-64); and

a **selector** (switch, 50 controlled by processor, 34) controlled by the processor (switch 50 being controlled by processor, 34; column 5, lines 6-11) to

1) select a first default source (analog) of the plurality of sources in response to **selection** of a non-overlapping channel number (channels 2-99) for television programs provided by the plurality of sources (television programming from the television providers; column 5, lines 34-46) and automatically program the system (through assumed default values; column 5, lines 34-46) to tune to a station for receiving television programs (analog cable channels; column 7, lines 21-28 and lines 29-39) provided by the selected first default source (analog cable; column 5, lines 34-45), and

2) select a second default source (digital satellite) of the plurality of sources in response to **selection** of an overlapping channel number (channels 100-125 overlapping between cable channels 2-125 and satellite channels 100-999; column 5, lines 37-41) for television programs provided by the plurality of sources (television programming from the television providers; column 5, lines 34-46) and automatically program the system (through assumed default values; column 5, lines 34-46) to tune to a station for receiving television programs (digital channels; column 7, lines 15-20 and lines 29-39) provided by the second default source (digital satellite; column 5, lines 34-45).

While Broberg assigning overlapping and non-overlapping channels to specific default sources based upon default values (column 5, lines 34-46), he fails to specifically disclose detecting whether a channel number is a non-overlapping channel number or an overlapping channel number.

In an analogous art, Stinebruner discloses an EPG (Fig. 2) utilizing a plurality of sources (column 4, lines 63-67 and column 5, lines 1-19) wherein it will automatically detect and determine if a channel number is overlapping or non-overlapping (if a local program channels use the same channel number as those used by other sources; column 11, lines 50-53) for the typical benefit of providing a means to more accurately automatically find and eliminate channel conflicts when a plurality of sources are incorporated together.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Broberg's method to include detecting whether a channel number is a non-overlapping channel number or an overlapping channel number, as taught by Stinebruner, for the typical benefit of providing a more accurate means to automatically program a channel guide by detecting instances of channel conflicts between multiple sources.

As to claim 6, Broberg and Stinebruner disclose wherein the processor is also configured to generate a menu (on screen menu; see Broberg at column 5, lines 40-45 and lines 60-64) listing a satellite source and a cable source for a user to select (see Broberg at column 5, lines 40-45, 60-64) such that the at least one channel number tunes to a station for receiving television programs (see Broberg at column 7, lines 15-39) provided by the selected one of the satellite source and the cable source (see Broberg at column 5, lines 40-45 and lines 60-64).

As to claim 7, Broberg and Stinebruner disclose wherein the processor is also configured to generate a menu listing (on-screen menu; see Broberg at column 5, lines 44-45 and lines 60-64) a satellite source (digital satellite; column 5, lines 46-51) and local TV antenna source (off-air channels; see Broberg at column 5, lines 49-51) for a user to select (see Broberg at column 5, lines 40-45, 60-64) such that the at least one channel number tunes to a station for receiving television programs (see Broberg at column 7, lines 15-39) provided by the selected one of the satellite source and local TV antenna source (user selecting if channel is off-air or digital; see Broberg at column 5, lines 40-51 and lines 60-64).

As to claim 8, Broberg and Stinebruner disclose wherein the television programs are transmitted using one of an analog and a digital signal (see Broberg at column 5, lines 40-45).

As to claim 12, Broberg discloses a method comprising:

selecting a first default source for overlapping channel numbers (numbers 100-125; column 5, lines 34-46) being channel numbers used by a plurality of sources (wherein numbers 100-125 are used by both cable and satellite; column 5, lines 34-46), and if there are over-lapping channel numbers;

listing (with on-screen menu, column 5, lines 44-45) the plurality of sources using the over-lapping channel numbers (column 5, lines 44-46 and lines 61-64),

selecting a second default source among the listed plurality of sources to program the over-lapping channel numbers (column 5, lines 44-46 and lines 61-64) and **automatically programming** (column 5, lines 30-37) the over-lapping channel numbers to tune to a station for receiving television programs provided by the selected second source (column 8, lines 44-51) and

automatically programming the non-over-lapping channel numbers to tune to a station for receiving television programs provided by the selected first source (column 5, lines 41-51). While Broberg discloses predicting if channels are overlapping or non-overlapping (by assuming cable won't go above channel 99; column 5, lines 33-46) and in programming channel numbers in response to the prediction (column 5, lines 33-46), he fails to specifically disclose determining if channel numbers are over-lapping channel numbers or non-overlapping channel numbers and programming channel numbers in response to the determination.

In an analogous art, Stinebruner discloses an EPG (Fig. 2) utilizing a plurality of sources (see Broberg at column 4, lines 63-67 and column 5, lines 1-19) wherein it will automatically detect and determine if a channel number is overlapping or non-overlapping (determining if another source is using the same channel number as a local station and moving it if it does; see Broberg at column 11, lines 50-53) and program the channel numbers in response to the determining (wherein other sources using the same channel number are moved; see Broberg at column 11, lines 50-53) for the typical benefit of providing a more accurate means to automatically find and eliminate channel conflicts when a plurality of sources are incorporated together.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Broberg's method to include determining if channel numbers are over-lapping channel numbers or non-overlapping channel numbers, as taught by Stinebruner, for the typical benefit of providing a more accurate means to automatically find and eliminate channel conflicts when a plurality of sources are incorporated together.

As to claim 13, Broberg and Stinebruner disclose a method wherein if there are no over-lapping channel numbers, programming the channel numbers to tune to a station for receiving television programs provided by the selected first source (see Broberg at column 5, lines 39-51).

As to claim 14, Broberg and Stinebruner disclose wherein selecting a first source selects one of a cable source and a satellite source (see Broberg at column 5, lines 37-44).

As to claim 15, Broberg and Stinebruner disclose wherein selecting a second source selects one of a cable source and a satellite source (see Broberg at column 5, lines 37-46 and lines 61-64).

4. Claims 1-4 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broberg in view of Farleigh (6,208,388) (of record) and Stinebruner.

As to claim 1, Broberg discloses a method programming a set-top box, comprising:

generating an electronic system guide (on-screen menu, column 5, lines 44-45) identifying a plurality of sources providing signals to the set-top box (column 5, lines 40-45 and lines 60-64);

an auto-program to be processed, the auto-program being instructions adapted for (VCR initialization instructions to scan all of the possible channels and create the map; column 5, lines 55-64):

selecting a first source (cable) of the plurality of sources as a first source (wherein channels 2-99 are defaulted to cable; column 5, lines 34-45);

selecting a second source (digital satellite) of the plurality of sources as a second default source (wherein channels 100-999 are defaulted to digital satellite; column 5, lines 37-45); and

automatically programming the channel number (cable channels 2-99; column 5, lines 34-45) to tune to a station for receiving television programs (column 7, lines 15-39) provided by the selected first default source (cable default for channels 2-99; column 5, lines 34-45) in response to the channel number being the non-overlapping channel number (wherein only the cable provider uses these numbers; column 5, lines 34-46) and programming the channel number (channels 100-125 overlapping between cable channels 2-125 and satellite channels 100-999; column 5, lines 37-41) to tune to a station receiving television programs (column 7, lines 15-39) provided by the selected second default source (digital satellite default; column 5, lines 40-46) in response to the

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channel number being the overlapping channel number (in response to the fact that these numbers are overlapping between both, but more commonly satellite; column 5, lines 34-46).

While Broberg discloses a processed auto-program (VCR initialization; column 5, lines 55-64), selecting a first and second default source (programmed defaults; column 5, lines 34-44) and assigning overlapping and non-overlapping channels to specific default sources (based upon predicted overlap; column 5, lines 34-46), he fails to specifically disclose displaying a user-selected option within the electronic system guide that to cause the auto-program to be processed, displaying a pop-up to select the sources from an electronic system guide and detecting whether a channel number associated with an incoming signal is a non-overlapping channel number or an overlapping channel number.

In an analogous art, Farleigh discloses a television receiver (Fig. 1; column 2, lines 20-37 and column 3, lines 13-25) receiving signals from a plurality of sources (column 4, lines 56-67 and column 5, lines 1-2) wherein the channel selection program is initiated through user selection through a program menu (column 6, lines 52-61) and wherein the user selects the default sources through a displayed menu (Fig. 5A; column 6, line 62 - column 7, line 8) for the typical benefit of allowing a user to make source selections when there is a conflict between designated channel numbers (column 6, lines 32-36).

Additionally, in an analogous art, Stinebruner discloses an EPG (Fig. 2) utilizing a plurality of sources (see Broberg at column 4, lines 63-67 and column 5, lines 1-19)

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wherein it will automatically detect and determine if a channel number is overlapping or non-overlapping (determining if another source is using the same channel number as a local station and moving it if it does; see Broberg at column 11, lines 50-53) and program the channel numbers in response to the determining (wherein other sources using the same channel number are moved; see Broberg at column 11, lines 50-53) for the typical benefit of providing a more accurate means to automatically find and eliminate channel conflicts when a plurality of sources are incorporated together.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Broberg's system to displaying a user-selected option within the electronic system guide that to cause the auto-program to be processed and displaying a pop-up to select the sources from an electronic system guide, as taught by Farleigh, the typical benefit of allowing a user to make source selections when there is a conflict between designated channel numbers.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Broberg and Farleigh's method to include detecting whether a channel number associated with an incoming signal is a non-overlapping channel number or an overlapping channel number, as taught by Stinebruner, for the typical benefit of providing a more accurate means to automatically find and eliminate channel conflicts when a plurality of sources are incorporated together.

As to claim 21, Broberg discloses an article of manufacture (Fig. 1) including one or more computer readable media with executable instructions therein, which, when executed by a processing device causes the processing device to:

selecting a first source (cable) of the plurality of sources as a first source (wherein channels 2-99 are defaulted to cable; column 5, lines 34-45) and a second source (digital satellite) of the plurality of sources as a second default source (wherein channels 100-999 are defaulted to digital satellite; column 5, lines 37-45);

automatically programming the channel number (cable channels 2-99; column 5, lines 34-45) to tune to a station for receiving television programs (column 7, lines 15-39) provided by the selected first default source (cable default for channels 2-99; column 5, lines 34-45) in response to the channel number being the non-overlapping channel number (wherein only the cable provider uses these numbers; column 5, lines 34-46) and programming the channel number (channels 100-125 overlapping between cable channels 2-125 and satellite channels 100-999; column 5, lines 37-41) to tune to a station receiving television programs (column 7, lines 15-39) provided by the selected second default source (digital satellite default; column 5, lines 40-46) in response to the channel number being the overlapping channel number (in response to the fact that these numbers are overlapping between both, but more commonly satellite; column 5, lines 34-46).

While Broberg discloses selecting a first and second default source (programmed defaults; column 5, lines 34-44) and assigning overlapping and non-overlapping channels to specific default sources (based upon predicted overlap; column 5, lines 34-

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46), he fails to specifically disclose displaying a pop-up to select the sources from an electronic system guide and detecting whether a channel number associated with an incoming signal is a non-overlapping channel number or an overlapping channel number.

In an analogous art, Farleigh discloses a television receiver (Fig. 1; column 2, lines 20-37 and column 3, lines 13-25) receiving signals from a plurality of sources (column 4, lines 56-67 and column 5, lines 1-2) wherein the channel selection program is initiated through user selection through a program menu (column 6, lines 52-61) and wherein the user selects the default sources through a displayed menu (Fig. 5A; column 6, line 62 - column 7, line 8) for the typical benefit of allowing a user to make source selections when there is a conflict between designated channel numbers (column 6, lines 32-36).

Additionally, in an analogous art, Stinebruner discloses an EPG (Fig. 2) utilizing a plurality of sources (see Broberg at column 4, lines 63-67 and column 5, lines 1-19) wherein it will automatically detect and determine if a channel number is overlapping or non-overlapping (determining if another source is using the same channel number as a local station and moving it if it does; see Broberg at column 11, lines 50-53) and program the channel numbers in response to the determining (wherein other sources using the same channel number are moved; see Broberg at column 11, lines 50-53) for the typical benefit of providing a more accurate means to automatically find and eliminate channel conflicts when a plurality of sources are incorporated together.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Broberg's system to displaying a user-selected option within the electronic system guide that to cause the auto-program to be processed and displaying a pop-up to select the source from an electronic system guide, as taught by Farleigh, the typical benefit of allowing a user to make source selections when there is a conflict between designated channel numbers.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Broberg and Farleigh's method to include detecting whether a channel number associated with an incoming signal is a non-overlapping channel number or an overlapping channel number, as taught by Stinebruner, for the typical benefit of providing a more accurate means to automatically find and eliminate channel conflicts when a plurality of sources are incorporated together.

As to claim 2, Broberg, Farleigh and Stinebruner disclose wherein the displaying of the at least one pop-up further comprises: generating a menu (listing the available sources; see Farleigh at Fig. 5A, 86 and column 6, line 62-column 7, line 10) listing a satellite source and a cable source for a user to select (wherein the available sources are satellite and cable; see Broberg at column 5, lines 40-45 and lines 60-64) the non-overlapping channel number (such as, channel numbers 2-99) to tune to a station for receiving television programs provided by a selected one of the satellite source and

cable source (wherein the user selects the particular source to use for the channels; see Farleigh at Fig. 5A; column 6, line 62 - column 7, line 12).

As to claim 3, Broberg, Farleigh and Stinebruner disclose wherein the displaying of the at least one pop-up further comprises: generating a menu (listing the available sources; see Farleigh at Fig. 5A, 86 and column 6, line 62-column 7, line 10) listing a satellite source and a local TV antenna source for a user to select (wherein the available sources are digital satellite and off-air channels; see Broberg at column 5, lines 46-51) the non-overlapping channel number (such as channel numbers 2-99) to tune to a station for receiving television programs provided by the selected one of the local TV antenna source and the satellite source (wherein the user selects the particular source to use for the channels; see Farleigh at Fig. 5A; column 6, line 62 - column 7, line 12).

As to claim 4, Broberg, Farleigh and Stinebruner disclose wherein prior to selecting the second source of the plurality of source (wherein the menu is displayed before the selection from the menu is made; see Farleigh at Fig. 5A, 86 and column 6, line 62-column 7, line 10), the method comprising generating a menu listing sources of the plurality of sources (see Farleigh at Fig. 5A, 86 and column 6, line 62-column 7, line 10) including the second source (whichever source the user selects), for the user to select as the selected second source (wherein the source selected is used as the second source as in claim 1).

As to claim 18, Broberg discloses a system (Fig. 4) for providing a default source to channel numbers, comprising:

a **processor** (Fig. 1, 34) configured to generate an electronic system guide (on-screen menu, column 5, lines 44-45) identifying a plurality of first default sources (column 5, lines 41-46 and 61-64);

automatically programming each over-lapping channel number (channels 100-125) to tune to the second default source (to the satellite provider; column 5, lines 34-46), and automatically programming any non-overlapping channel numbers (channel numbers 2-99) to tune to the first default source (to the cable provider; column 5, lines 34-46),

and listing a plurality of second default sources that may use the over-lapping channel numbers (wherein source settings are listed for any channel; column 5, lines 45-46 and lines 61-64); and

a **selector** (switch, 50 controlled by processor, 34) controlled by the processor (switch 50 being controlled by processor, 34; column 5, lines 6-11) to (1) select the first default source (cable) such that the non-overlapping channel numbers (channels 2-99) tune to a station for receiving television programs provided by the first default source (analog cable; column 7, lines 21-28 and lines 29-39), and

(2) select the second default source (digital satellite) such that the over-lapping channel numbers (channels 100-125 overlapping between cable channels 2-125 and satellite channels 100-999; column 5, lines 37-41) tune to a station for receiving

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television programs (digital channels; column 7, lines 15-20 and lines 29-39) provided by the second default source (digital satellite; column 5, lines 34-45).

While Broberg discloses automatically programming channel numbers by default sources, he fails to specifically disclose an EPG with an auto-program option and determining if a channel is an over-lapping channel number or a non-overlapping channel number.

In an analogous art, Farleigh disclose a television system with plural input sources (column 3, lines 26-37) wherein a user will navigate onscreen menus (column 6, lines 60-61) to select an option to automatically program channel numbers to specific sources (Fig. 5a, step 80; column 6, lines 52-67) for the typical benefit of providing the user flexibility in choosing when to implement the programming of television channel numbers (programming upon user selection of the option; column 6, lines 60-67).

Additionally, in an analogous art, Stinebruner discloses an EPG (Fig. 2) utilizing a plurality of sources (column 4, lines 63-67 and column 5, lines 1-19) wherein it will automatically detect and determine if a channel number is overlapping or non-overlapping (if a local program channels use the same channel number as those used by other sources; column 11, lines 50-53) for the typical benefit of providing a means to more accurately automatically find and eliminate channel conflicts when a plurality of sources are incorporated together.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Broberg's method to include an EPG with an auto-

program option, as taught by Farleigh, for the typical benefit of providing the user more flexibility and control over how and when television channel numbers are programmed.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Broberg's method to include determining if channel numbers are over-lapping channel numbers or non-overlapping channel numbers, as taught by Stinebruner, for the typical benefit of providing a more accurate means to automatically program a channel guide by detecting instances of channel conflicts between multiple sources.

As to claim 19, Broberg, Farleigh and Stinebruner disclose wherein the first default source is one of a local TV antenna source (off air; see Broberg at column 5, lines 49-51) and a cable source (cable; see Broberg at column 5, lines 49-51).

As to claim 20, Broberg, Farleigh and Stinebruner disclose wherein the second default source is a satellite source (digital satellite; see Broberg at column 5, lines 49-51).

As to claim 22, Broberg, Farleigh and Stinebruner disclose wherein the over-lapping channel numbers (channels 100-125) are channel numbers that are used by a first plurality of channel numbers (cable channels 2-125; see Broberg at column 5, lines 34-45) associated with the first default source (wherein these are the numbers usable by cable; see Broberg at column 5, lines 34-45) and a second plurality of channel

numbers (digital satellite channels 100-999; see Broberg at column 5, lines 34-45) associated with the second default source (wherein these are the numbers usable by satellite; see Broberg at column 5, lines 34-45).

As to claim 23, Broberg, Farleigh and Stinebruner disclose wherein the selection of the first default sources (cable) and the second default sources (digital satellite) is automatic (wherein the channel mapping chooses defaults which are most likely to avoid overlaps; see Broberg at column 5, lines 34-45).

Response to Arguments

5. Applicant's arguments filed 02/04/05 have been fully considered but they are not persuasive.

a. On page 8, applicant argues that there is no teaching or suggestion of selecting default sources *in response* to detecting overlapping or non-overlapping channel numbers.

In response, Broberg specifically teaches automatic channel selection wherein the channel selections are **defaulted** to specific values *in response* to the prediction that there is an overlap in a portion of the channels (channels 100-115; see Broberg at column 5, lines 40-45). As shown in the previous rejections, Broberg fails to specifically disclose **detecting** if channels are actually overlapping.

Stinebruner specifically discloses a system wherein channels from one source (in this case, local channels) are **automatically** incorporated at their corresponding virtual channel numbers (see Stinebruner at column 11, lines 50-53) and existing channels from other sources (i.e. overlapping channels) are moved to other virtual channels (see Stinebruner at column 11, lines 50-53). Automatically moving channels from one source to incorporate another clearly involves some form of **detecting** to identify the fact that multiple sources are using the same channels.

b. As to applicant's argument that Broberg and Stinebruner both only teach manual selection of default sources, see (a) above.

Further, it is noted that applicant has quoted a section of Stinebruner (column 11, lines 30-11) which is explicitly involves the possibility of **manually** incorporating local channels, which is irrelevant to the current rejections. The teachings of Stinebruner relied upon in the rejection are directed towards **automatic** incorporation of local channels (column 11, lines 50-53).

c. Applicant's arguments to claims 1-4 concerning an auto-program are moot in view of the new grounds of rejection.

- d. As to applicant's arguments to claims 1-4, 18-20, 22 and 23, concerning selecting a source in response to the channel being overlapping, see (a), (b) and the rejections above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in

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such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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